



SALINA BOARD OF ZONING APPEALS
CITY COMMISSION ROOM - ROOM 107
THURSDAY, September 20, 2007
4:00 P.M.

AGENDA

- #1. Approval of Minutes of the Regular Meeting of August 16, 2007.
- #2. Amended Application #V07-7, filed by Raymond and Patricia Cutler, requesting a front yard setback variance of 6.5 ft. from 20 ft. to 13.5 ft. on Harsh Avenue to allow the construction of a new detached garage that will match the existing setback of the house on the lot. The subject property is legally described as Lot 20, Block 30 in the Military Addition to the City of Salina, Saline County, Kansas and is addressed at 919 N. 10th Street.
- #3. Application #V07-8, filed by Bradley Umscheid, requesting a front yard setback variance of 5 ft. from 20 ft. (the minimum setback for a detached garage/workshop facing the non-address side of a corner lot) to 15 ft. to allow the replacement of an existing detached garage/workshop with a new detached garage/workshop that matches the existing setback of the house on the lot. The subject property is legally described as Lot 27, Block 2 in the Shalimar Plaza Addition to the City of Salina, Saline County, Kansas and is addressed as 2073 Marc Street.
- #4. Election of Officers.
- #5. Other matters.

Note: The applicant or an authorized representative must appear at the public hearing.

(See reverse side for Important Information)

ADDRESSING THE BOARD OF ZONING APPEALS

The public is invited to speak on any item under discussion by the Board of Zoning Appeals. Please raise your hand and after receiving recognition from the Chairperson, approach the podium, state your name, address and the purpose of speaking.

Generally speaking, the order of presentation after introduction of any item by the Chairperson will be:

1. Summary presentation by the Staff.
2. Comments by the applicant.
3. Comments by interested citizens.
4. Board of Zoning Appeals discussion and action.

Any person, official or governmental agency dissatisfied with any order or determination of the Board of Zoning Appeals may bring an action in the District Court of Saline County to determine the reasonableness of any such order or determination.

MINUTES

SALINA BOARD OF ZONING APPEALS

City Commission Room 107

Thursday, August 16, 2007

MEMBERS Funk, Morse, Sanborn, Schmitt, Wilson and Worth
PRESENT:

MEMBERS
ABSENT: Lange

STAFF
PRESENT: Andrew, Asche and Burger

Item #1. Approval of the minutes of the regular meeting of July 19, 2007.

The minutes of the regular meeting held on July 19, 2007 were approved as presented.

Item #2. Application #V07-7, filed by Raymond and Patricia Cutler, requesting a front yard setback variance of 13 ft. from 20 ft. to 7 ft. on Harsh Avenue to allow construction of a 20 ft. by 24 ft. detached garage. The subject property is legally described as Lot 20, Block 30 in the Military Addition to the City of Salina, Saline County, Kansas and is addressed as 919 N. 10th Street.

Mr. Andrew stated Mr. Herrs will be presenting the staff report.

Mr. Herrs presented the staff report with visual graphics which is contained in the case file.

Mr. Schmitt asked are there any questions of Dean or the staff?

Mr. Worth stated I have one question. The fact that it was advertised one way and it's turned out it will be another way, will that have a legal bearing on this?

Mr. Herrs stated it was my understanding, and like I said it was my fault that this came out this way, but both carports and garages are accessory uses and they are both required to have the same setback. So I didn't see the issue of erroneously advertising it. However, when you stop and think about it, carports and garages are very different, especially when they are sitting 7 ft. to 13 ft. back from the property line. As far as having legal issues I'm not sure about that and maybe Dean could answer that.

Mr. Andrew stated that's why we don't feel comfortable about it. You are to evaluate whether you think a variance is justified. Our position is as a

staff is we don't feel good having sent letters to the neighbors telling them a carport was proposed to be built when in fact it was a garage that was proposed to be built. We think there was not a fair opportunity for the adjoining property owners to clearly understand what is being proposed. That falls to us and it also falls to us that we accepted an application and processed it and never really got any plans depicting what it was that is proposed to be built.

Mr. Schmitt asked do we just delay until the 20th of September?

Mr. Andrew stated that is your judgment. You need to hear from the applicant and you need to ask any questions that you feel are relevant. We feel that whether it's a garage or a carport, if you could go back to the view of the fence there John, or the fact that even if this was just a driveway or maybe when the permit was issued there was no recognition that this was a driveway, but every driveway that intersects with a street has a vision clearance triangle whether it's heading in or backing out. This really shouldn't be that way. It should only be 3 ft. high because of the driveway or the fence should be pulled back a sufficient distance away from the property line so that if you're backing or even heading out of that driveway you can see something before you get to the property line. This is not a good situation to come out from behind the fence like that either backing or head out and not being able to see either direction. All I can think of is when the fence permit was issued there was no knowledge that there was actually a driveway cut there. Even if there was no carport or garage built that is not an acceptable situation as far as the fence and driveway.

Mr. Funk asked do we know when the fence was built?

Mr. Andrew stated in 1995.

Mr. Funk asked the slab was built in 1976? Was there supposed to be a permit for that?

Mr. Andrew stated you don't need a permit to do concrete flat work on your property. I don't know the date on the driveway approach there. It may have been there for 50 years. It's hard to say, but based on my review it's not real clear when the fence permit was issued that anybody understood that there was a driveway there.

Mr. Schmitt asked should I call Raymond and Patricia up?

Mr. Andrew stated unless there are additional questions that you have of staff. John would you want to show the information that we received or that the building inspector received today? If you want to go ahead to that one John.

Mr. Burger asked the sample slide?

Mr. Andrew stated yes, the building. This is not this particular plan. The plan that we understand they are working on is with a company called ESH that has pre-fabricated or manufactured metal buildings and this is an example of another ESH building or garage that was put up at another location. We were going to at least have this available to give you some indication of appearance. I think this building is probably bigger than what is being proposed. But to give you an idea ESH is a metal building manufacturer. This is what it looks like actually built but again the orientation is different. Can we recall or can you read the dimensions on that John as far as width?

Mr. Burger stated in this particular case it was 24 ft. deep and 36 ft. wide.

Mr. Sanborn stated it says 20 ft. x 24 ft.

Mr. Andrew stated if you have no more questions of staff then we need to hear from the applicant. Part of our concern, it's only our concern and you're not bound by it, is whether the reason no neighbors were concerned or responded is because they thought it was carport. We don't know that. That's the only matter that is of concern to us. We are the ones who sent the letter and told them it was a carport and we don't feel good about that.

Mr. Wilson asked as I recall Mr. Andrew if a person builds a 6 ft. fence he doesn't really need a building permit does he?

Mr. Andrew stated in 1995 you did.

Mr. Wilson asked but now you don't?

Mr. Andrew stated as of October 2001 you no longer need a fence permit but you still have to construct it in accordance with the fence setback and height requirements. It's not a complete comparison but imagine if you would an alley that comes out and intersects with the street and at the corner of the alley and the street you had 6 ft. fence along the alley and 6 ft. fence at the street. You would not be able to see anything coming out of that alley or if there was a sidewalk if anyone was there. The approach that we take is either you taper the fence back physically or you taper the fence down to 3 ft. in height so that it can be seen over. We think there are a couple of ideas here, one would be to lower the fence, the other to pull it back even with the garage. Those are our ideas. I think that information is probably new to the applicants. But that is the thing that we observed in relation to the driveway and the fence.

Mr. Schmitt asked Gene did you have a question?

Mr. Sanborn stated no, I think it was answered.

Mr. Schmitt asked would the applicant's care to address the Board? Please state your name and address.

Patricia and Raymond Cutler, 919 N. 10th Street, stated we had talked to the neighbors previously before we had talked about putting a garage in. There is only one neighbor we do not know because it is a rental property. The other two, right behind us and right across the street, they have no trouble with us putting up a garage. They thought we should have put one up years ago. Some of these items I did not know. I did not know the procedure. I understand why you have rules and regulations. We planned on when we built the garage to move that fence at the alley back to the edge of the garage. Which right now it has parking at 13 ft. So the garbage trucks have 13 ft. to look either way and there have been no problems with them coming out of the alley. The person right behind us has a privacy fence that runs from the alley to the edge of their garage and it's right even with ours and it doesn't seem like it has made any problems with traffic coming in and out. I did not realize that we would need to do something with our other fence. We could possibly cut it back down. It is 24 ft. from the edge of the driveway to where our gate is. We could go back like 24 ft. and start tapering it down from 8 ft. to 4 ft. or if we have to down to 3 ft. At this stage we could also change the size of our garage from a 24 ft. to a 20 ft. That would set it back another 4 ft. so that would be about 12 ft. back instead of 13 ft. It's going to be a metal building, the same color as our house, they are going to match the trim to match our house and the roof will be the same as matching our roof. I do not know what else to say. Like I said, we can change the size of the garage. I was told when we started about getting the plans and they said until I went through the review board that the paper I had stating from the contractor has the size of the posts they're going to use. It's going to have an 8 ft. ceiling, it tells what color and what it's going to be made out of and that that's all that I would have needed up here. The reason that I would need the prints would be when I got the permit. We've been looking for this for years and we're finally able to do it and now we're to a place where we possibly won't be able to.

Mr. Funk asked do you use the slab right now?

Mrs. Cutler stated yes we do.

Mr. Funk asked you do what with it?

Mrs. Cutler stated I park my car on it.

Mr. Funk asked do you open and close the gate?

Mrs. Cutler stated I open and close the gate every time.

Mr. Funk asked do you just have one vehicle?

Mrs. Cutler stated no we have two. We open the gate and when you come out the tail end of my car is just barely at the end of the street. So I can see both ways. I have started using that and we've been having windshields broken out and eggs thrown on the cars. So I started using it in the yard but I'd rather have it inside of a garage at our age right now.

Mr. Funk asked this is the only drive or parking on that lot?

Mrs. Cutler stated that is the only one. That sets back towards the alley.

Mr. Funk asked did you build the little garden shed that is shown?

Mrs. Cutler stated that garden shed is the back of a cookie truck. My dad worked for Sunshine Biscuit Company when they had trucks when they drove their trucks underneath it and the beds of their trucks would set down and he would deliver cookies out of them. When they stopped the Sunshine Biscuit Company here they sold these trucks to use for sheds. He drove it down the alley and set it on the property. At that time we did not have the fence. We've used it for a shed ever since. The only way I'd get it out or get it moved is to get a wrecker truck in there because it's setting on like steal bolts going outside of it. There is no other way that we'd be able to move it.

Mr. Cutler stated these box trailers would sit on stilts and a truck would back up underneath them and lift up and the stilts would be pulled out this way. When you put it there you would just set it down on this block. There is no way we could get it up.

Mrs. Cutler stated like I said, we would be willing to change the size of the garage and go back down to 20 ft. and we'd come closer to the 13 ft. If we need to we could go back one more foot, I think there is 7 ft. from the edge of the concrete to where the shed it now. So we could go back one more foot which would make it 13 ft. We could cut the fence down. I would have to something different in to keep my dogs in the yard but we could come up with something.

Mr. Schmitt asked are there any other questions?

Mr. Wilson asked the new garage would be 20 ft. deep and what would be the width of it?

Mrs. Cutler stated 20 ft.

Mr. Wilson asked is that a one car garage?

Mrs. Cutler stated no, it's a two car garage. It will have one big overhead door and one walk-in door.

Mr. Wilson stated okay.

Mr. Schmitt asked if we approve it would you be able to satisfy Dean and his staff of the dimensions and everything?

Mrs. Cutler stated I could get a hold of the contractor. The contractor told me that he had all different sets of drawings already listed here with the City of Salina in their files for all the different size buildings that they make. But I can get him to fax me some drawings and bring them up.

Mr. Schmitt asked Dean if they get it approved would they work with you?

Mr. Andrew stated we didn't list it as a choice because it wasn't really clear that it was an option, but your choices are they are requesting to go from 20 ft. to 7 ft. and you can't approve anything closer than 7 ft. but you can approve any distance between 20 ft. and 7 ft. If you want to condition it on the adjustment of the fence to meet the City's vision clearance requirements then we would simply work with them on the building permit side of things. But I think in any motion to approve you need to specify what you think the appropriate setback is. If you think 7 ft. is ok then you need to specify that. If you think a 12 ft. setback is sufficient then you need to specify that. If you think it needs to be 13 ft. you would need to specify that. I think we can work with them on the fence but I think you would want to make clear that there was a condition that they have to adjust the fence to allow for proper vision clearance.

Mr. Schmitt asked are there any other questions?

Mr. Funk stated I guess I'm of the opinion that the structure should be set back at least as far as the existing house, which is the 13 ft. 6 inches. I think you're saying that that could be done?

Mrs. Cutler stated we could shorten the garage and then we'd have to add on to the slab and get closer to our shed. I don't know what our variance is.

Mr. Funk stated as far as the lot is concerned I think that ought to be about the minimum and then realign the fence. I don't like this business of cutting it down. But realign it to get the necessary sight triangles that the Planning Division would be comfortable with.

Mrs. Cutler stated I don't know how many feet we have between the existing shed to where we could have the side of the garage.

Mr. Funk stated this says 7 ft. 9 inches between the slab and your garden shed.

Mrs. Cutler stated that is what it is now but I don't know what the city requires between buildings.

Mr. Andrew stated a minimum of 3 ft. So there is 4 ft. to work with there. Although we would certainly hope that they wouldn't need to add on to their slab by that amount.

Mr. Schmitt asked is there anyway that the shed opens towards the garage?

Mrs. Cutler stated no the shed opens towards the east so it would not open toward the garage.

MOTION: Mr. Sanborn stated I make a motion that we postpone consideration of Application #V07-7 until we get more information. It sounds like they are willing to go back to a 13 ft. 6 inch setback and to request a lesser variance to where they could build a 20 ft. by 20 ft. structure. I feel they need time to meet with the City staff and discuss the type of fence they would like to put up as well as a little more information on the structure. I feel then we'd be able to make a much better decision at our next meeting.

SECOND: Mr. Wilson.

Mr. Schmitt stated it has been moved and seconded to postpone consideration of Application #V07-7 until the September 20th meeting. Any further questions or comments?

Mr. Sanborn stated that would let them also re-advertise this as a garage.

Mr. Worth asked is that satisfactory with the applicant that we postpone it for that time?

Mrs. Cutler stated if we can get a garage I'm willing to almost do anything.

Mr. Sandborn stated it sounds like you're willing to make some compromising and we're trying to work with you too.

Mrs. Cutler stated I understand that you have your rules and regulations. Like I said, in our area of town when you look at the other houses and garages you wonder why can't you. It's a little frustrating but we will work with the City to have it proper. The driveway was put in at the same time the slab was poured.

Mr. Schmitt asked are there any other questions or comments? Seeing none we are ready for a vote. All those in favor say "aye", opposed same sign.

VOTE: Motion carried 6-0.

Mr. Andrew stated what we will do is we will re-advertise this case for that meeting. Then we'll meet with the Cutler's and see how we can fit that structure on that site to accomplish a greater setback than the 7 ft. Once we determine that we'll be able to advertise what the new setback will be.

Mr. Wilson asked could you measure that slab too so we can see how the garage will fit on that?

Mr. Andrew asked I think we have a pretty good idea on that don't we John, 20 ft. by 24 ft.? That's kind of where the garage dimension is from based on the existing slab.

Mr. Burger stated that would coincide.

Mr. Andrew stated we have a pretty good idea that the slab is 24 ft. wide and 20 ft. deep or vise versa.

Item #3. Other matters.

Mr. Andrew asked do we have another case filed for the 20th of September John?

Mr. Burger stated at this point we do have another case filed.

Mr. Andrew stated we have another garage setback case filed for the 20th of September. And we're sure it's a garage.

Mr. Schmitt asked officers, is that this month or next month?

Mr. Andrew stated I'm not sure on everyone's terms but some will terminate at the end of August. I didn't get any notes or anything about reappointments. If you didn't get any notice in the mail or an expression of interest form from the Clerk's office it means that most members are going to carry over.

Mr. Schmitt stated I received it and I sent it back that I would.

Mr. Andrew stated in September we will have our annual meeting which is the Election of Officers and things of that nature. The same would go for the Planning Commission or other boards. On all of our appointed boards people's terms run until the end of August and if you request and are interested in reappointment those all go to the Mayor and the Mayor will

sometime in August make new appointments and reappointments and we'll convene in September and have the election of officers.

Mr. Schmitt asked is there anything else?

Mr. Andrew stated I don't think we have anything else for you this afternoon.

Mr. Schmitt stated seeing no other matters we are adjourned.

Meeting adjourned at 4:44 p.m.

Dean Andrew, Secretary

ATTEST

Publication Date July 26, 2007Application No. V07-7Hearing Date August 16, 2007Date Filed July 10, 2007

Vicinity Map _____

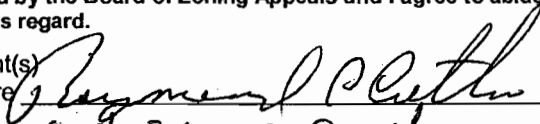
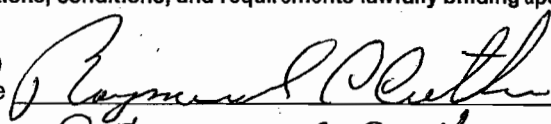
Filing Fee \$110.00

Ownership List _____

Receipt No. 939397/10/07 cu**APPLICATION FOR VARIANCE OR APPEAL**

1. Applicant's Name RAYMOND C & PATRICIA A CUTLER
2. Applicant's Address 919 NORTH 10TH STREET
3. Telephone (daytime) 785-823-6126 E-mail NONE
4. Owner's Name RAYMOND C CUTLER & PATRICIA A CUTLER
5. Owner's Address 919 NORTH 10TH STREET
6. Legal Description of affected property (attach additional sheets if necessary) LOT 20, BLOCK 30, MILITARY ADDITION, CITY OF SALINA, SALINE COUNTY, KANSAS
7. Approximate Street Address 919 NORTH 10TH STREET
8. Present Zoning R 1 Use RESIDENTIAL
9. Proposed Use RESIDENTIAL
10. Are there any covenants or restrictions of record which would prohibit the proposed development?
NO
11. Nature of variance requested (for variance only) TO ALLOW GARAGE TO BE BUILT CLOSER TO PROPERTY LINE THEN CURRENT ORDINANCE ALLOWS
12. Nature of appeal requested (for appeal only): _____
13. Justification for requested variance or appeal: BECAUSE THE OTHER PROPERTIES IN THIS AREA ARE NOT SET BACK THE 20' FROM THE PROPERTY LINE WITH THEIR GARAGES AND WE WOULD JUST BE IN LINE WITH THEM.
14. List exhibits or plans submitted (including site plan) _____
15. **Present information in support of each of the (5) five conditions listed in Item No. 15, Page 2 of this application.**
See Guide for Completing Variance Applications for helpful definitions of terms.

I hereby certify that if this variance application is approved, I will complete construction in accordance with plans submitted and approved by the Board of Zoning Appeals and I agree to abide by all restrictions, conditions, and requirements lawfully binding upon me in this regard.

Applicant(s)
Signature

Patricia A Cutler
Owner(s)
Signature

Patricia A Cutler

Date:

7-10-07

Date:

7-10-07

If the applicant is to be represented by legal counsel or an authorized agent, please complete the following in order that correspondence and communications pertaining to this application may be forwarded to the authorized individual.

Name of representative: _____

Address: _____

Zip Code: _____

Telephone (Business): _____

E-mail address: _____

15. (Cont.)

A request for a variance may be granted only upon a finding by the Board of Zoning Appeals that all of the following 5 (five) conditions have been met. Present information on this form in support of each of the following criteria (Attach separate sheets if necessary):

- a. The variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone and is not created by actions(s) of the property owner or applicant because: THE LARGE RIGHT-A-WAY SPACE WILL NEVER BE USED BY THE CITY OR TRANSPORTATION DEPARTMENT AS HARSH AVENUE RUNS FROM 9TH STREET WEST 3 BLOCKS AND DEAD ENDS AT 12TH STREET. THIS AREA IS A RESIDENTIAL AREA AND WE DO NOT THINK THE CITY WILL EVER USE THIS STREET AS A HEAVY TRAFFIC AREA.
- b. Granting the variance will not adversely affect the rights of adjacent property owners or residents because: OUR GARAGE WILL NOT INTERFERE WITH ADJACENT PROPERTY OWNERS OR RESIDENTS AS IT WILL NOT BLOCK ANYBODY'S VIEW OF STREET OR ALLEYWAY.
- c. Strict application of provisions of the zoning ordinance of which the variance is requested, will constitute unnecessary hardship upon the property owner because: AS WE WOULD NOT BE ABLE TO BUILD THE GARAGE AS NOT ENOUGH ROOM TO OFFSET THE 20' FROM PROPERTY LINE AS REQUIRED DUE TO SIZE OF LOT AND EXISTING SHED ON PROPERTY WE HAD A SLAB AND DRIVEWAY POURED IN 1976 FOR THE GARAGE PER CITY SPECS AT THAT TIME BUT UNABLE TO FINISH THE GARAGE UNTIL NOW.
- d. The variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare because: IT WILL BE A METAL GARAGE FOR PRIVATE USE ONLY AND ALSO WILL BE SURROUNDED BY CURRENT 6 FOOT PRIVACY FENCE
- e. Granting the variance will not be opposed to the general spirit and intent of the zoning ordinance because: THIS PART OF TOWN IS THE OLD PART AND THESE HOMES WERE BUILT IN THE EARLY 1940 - 1950 DUE TO THE ZONING ORDINANCE IN EFFECT AT THAT TIME. THIS WHOLE AREA WE BELIEVE SHOULD HAVE SOME OF THE OLD GRANDFATHERS CLAUSES IN EFFECT AND WOULD NOT AFFECT ANY OTHER PART OF TOWN.

STAFF REPORT
SALINA BOARD OF ZONING APPEALS

Case #V07-7

Hearing Date: September 20, 2007

Item

Amended Application #V07-7, filed by Raymond and Patricia Cutler, requesting front yard setback variance of 6.5 ft. from 20 ft. to 13.5 ft. on Harsh Avenue to allow the construction of a new detached garage that will match the existing setback of the house on the lot. The subject property is legally described as Lot 20, Block 30 in the Military Addition to the City of Salina, Saline County, Kansas and is addressed as 919 N. 10th Street.

Background

The subject property is a corner lot located at the SW corner of North 10th Street and Harsh Avenue. It was platted in 1894 as part of the Military Addition to the City of Salina. At the time of original platting, all the lots in this subdivision were 40 ft. by 120 ft. with many of the streets having an 80 ft. right-of-way. The 80 ft. platted right-of-way is 20 ft. wider than the right-of-way of most contemporary residential streets and the 40 ft. lot width is 20 ft. narrower than the current minimum lot width that R-1 zoned lots are required to maintain today.

In 1947, a 22 ft. by 29 ft. house was constructed on the subject property with a 29 ft. setback from 10th Street and a 3.5 ft. setback from Harsh Avenue. The house faces and is addressed off of North 10th Street. On December 28, 1953, because the right-of-way for Harsh Avenue was determined to be wider than was necessary, the City Commission vacated the North and South 10 ft. of the Harsh Avenue right-of-way reducing the right-of-way to 60 ft. This action not only reduced the unneeded width of the Harsh Avenue right-of-way, but also increased the width of the corner lots adjacent to it, effectively creating 50 ft. lots.

In 1972, a 13 ft. by 14 ft. addition was constructed on the west side of the house. The addition matched the existing 13.5 ft. setback along Harsh Avenue. In 1995, a 6 ft. fence was constructed on the north, west, and south property lines.

In July of 2007, the applicants discussed their plans for constructing a 20 ft. by 24 ft. outbuilding on their property at 919 N. 10th Street with a building inspector. In reviewing the application, the building inspector determined that the proposed building setback did not meet the minimum front yard setback requirement of 20 ft. on a corner lot. As a result the building inspector advised the applicants that a permit could not be issued because the Salina Zoning Ordinance requires a 20 ft. front yard setback for garages and carports facing the nonaddress side of a corner lot.

The applicants were then informed that in order to construct a garage or carport with a front yard setback of less than 20 ft. a variance must first be approved by the Board of Zoning Appeals. A variance application was filed by the Cutlers on July 10, 2007.

Nature of Applicant's Original Request

In their original application Mr. and Mrs. Cutler stated that it was to allow the placement of a garage over an existing concrete slab placed on the property in 1976. The existing slab measures 20 ft. x 24 ft. and extends 6 ft. in front of the building line of the house which is set back 13 ft. from the north (Harsh Avenue) property line. The garage as proposed would have been only 7 ft. from the north property line.

The Board of Zoning Appeals considered this variance request at their August 16, 2007 meeting. At that meeting staff expressed concern that they had misinterpreted the Cutler's plans and had sent out notices indicating that the proposed structure was a detached carport and not a garage. Staff also expressed concern about sight lines along Harsh Avenue and that the proposed 7 ft. setback combined with the presence of the existing 6 ft. high fence on the property line would necessitate the lowering or relocation of the fence. Following presentation of the staff report, comments from the applicants and comments and questions from Board members, the Board voted 5-0 to postpone consideration of this application to allow staff and the applicant to provide the Board with more information, specifically to look at whether the garage could be reduced in size and moved back so as to require a lesser setback variance. The Board also felt that staff and the applicants needed additional time to discuss options for relocating the fence.

Amended Request

The Cutlers have amended their original application as follows:

- 1) Setback variance being requested reduced from a 13 ft. variance (20 ft. to 7 ft.) to a 7 ft. variance (20 ft. to 13 ft.). This would match the existing setback of the house which is 13 ft. from the Harsh Avenue property line.
- 2) Garage size reduced from 20 ft. x 24 ft. (480 sq. ft.) to 20 ft. x 20 ft. (400 sq. ft.).
- 3) Privacy fence relocated to tie into the corners of the new garage instead of being located on the north property line.

The result is that the proposed garage would be reduced in depth by 4 ft. and pushed back an additional 6 ft. to match the setback of the house. This plan would require the existing concrete slab to be extended another 2-2.5 ft. to the south. The proposed garage would still be 5 ft. away from the existing storage building.

Zoning Ordinance Requirements

Section 42-58(1)(c) is the section of the Salina Zoning Ordinance that regulates the size and compatibility of detached garages and carports in residential zoning districts in connection with any principal use, which is permitted.

- (a) “detached garage or carport, provided that no such structure that is an accessory to one or two family dwelling shall exceed seven hundred seventy (770) square feet, shall be no taller than the dwelling and shall be compatible with the residential dwelling in terms of design, appearance and materials.”

Section 42-82(a)(2) is the section of the Salina Zoning Ordinance that regulates the required setback for detached garages facing a non-address street. It reads as follows:

- (a) On any corner lot in the R, R-1, R-2, R-2.5, R-3 and MH-S districts a single-family or two-family dwelling shall be required to maintain a front yard setback adjacent to only (1) street. The front yard setback shall be required adjacent to the street abutting the principal entrance which shall be identified as the official address assigned to the property. For the non-address side of a corner lot, the following setback requirements shall apply:
- (1) When the non-address side of a dwelling is on a residential or collector street, the required front yard setback may be reduced to fifteen (15) feet if the lot is back to back with another corner lot and to twenty (20) feet in every other case.
- (2) All detached garages, attached garages and carports facing the street on the non-address side of a dwelling shall be set back at least twenty (20) feet from the property line.**

Surrounding Zoning / Land Use

	<u>Zoning</u>	<u>Land Use</u>
Site	R-1	Single-Family Dwelling
North	R-1	Single-Family Dwellings
South	R-1	Single-Family Dwellings
East	R-1	Single-Family Dwellings
West	R-1	Single-Family Dwellings

Information / Analysis

1. Uniqueness – A Condition Unique to the Property

The need for a variance must be caused by a condition, which is unique to the property in question and not shared by other properties in the area. Some examples would be:

- undersized lots;
- uniquely shaped lots – pie shaped lots, 2 or more front yards;
- unusual slopes or topography;
- need to protect existing improvements or trees;
- easements or unusually large street rights-of-way.

The need for a variance to a front yard setback requirement must be caused by unique characteristics that relate specifically to the applicants' property, are not shared by other property owners in the area and were not created by the actions of the property owner themselves.

The applicants state that Harsh Avenue is a lightly traveled street that runs from 3rd Street west nine (9) blocks and dead ends at 12th Street. In addition, the applicants state that the residential nature of the area and the short length of Harsh Avenue will prevent heavy traffic from ever occurring on Harsh Avenue. The applicants believe that the lack of traffic on Harsh Avenue and the fact that other garages in this area are not set back 20 ft. from the Harsh Avenue property line is justification to allow the 7 ft. front yard setback variance along Harsh Avenue.

Staff would agree that Harsh Avenue will never be a high traffic arterial street and will likely never be widened. Of the three adjacent properties on the Harsh Avenue block-face between 10th Street and 11th Street, two of the properties do not have 20 ft. front yard setbacks for their garages. The property located to the northwest has approximately a 13 ft. front yard setback while the property located directly west also has an approximate 13 ft. front yard setback. The only adjacent property that meets the required 20 ft. front yard setback is the property located on the north side of Harsh Avenue directly across the street. The applicant's revised garage plan would be consistent with the prevailing 13 ft. setback on this block face. The location of similar accessory structures in the neighborhood is a factor the Board may take into account but does not in and of itself justify a variance.

Staff would also note that the storage shed to the south of the proposed garage is a man made structure placed in its current location by the current property owners. If the shed were not located here, a garage could be constructed that would meet the 20 ft. setback requirement.

2. No Adverse Effect on Neighbors

The variance must not cause any adverse effect on neighboring properties. Some examples of adverse effects would be:

- Restricting the flow of air or blocking light;
- Causing increased drainage or runoff problems for neighbors;
- Detracting from the appearance of the neighborhood (i.e. creating an eyesore)
- Reducing the property values of neighbors;
- Increasing the risk of fire spread.

The applicants indicated that the proposed garage will be a metal building but will match the house in terms of color and roof pitch. The applicants also state that the garage will be located back far enough away from Harsh Avenue that the structure will not interfere or impede the view of the street or the adjacent property owners and residents.

Staff would agree with the applicants now that the proposed garage has been pushed back to match the house and the fence is being relocated. Front yard garages and carports this close to the street that stick out in front of houses change the visual appearance and character of neighborhoods. The existing 6 ft. fence should minimize the visual impact of the proposed structure but creates some sight line issues itself.

3. Unnecessary Hardship

The applicant must show that not granting the variance will cause an unnecessary hardship by denying reasonable or beneficial use of the property.

This requires more than a showing of personal inconvenience or increased cost.

The applicants state that not granting the variance would prohibit them from building a garage on their property because the lot is not wide enough to offset the garage 20 ft. from the property line and still build the 24 ft. deep garage without removing an existing storage shed.

Staff would agree that a 50 ft. by 120 ft. corner lot with two front yard setbacks is more restricted than internal lots. In order for the garage to meet the 20 ft. setback requirement the applicants would have to remove or relocate the existing storage shed. While staff would agree that moving or relocating the storage shed would be undesirable for the applicant, staff would point out that increased cost and personal inconvenience does not demonstrate that the applicant is being denied reasonable or beneficial use of the entire property.

4. Effect on Public Health, Safety and Welfare

The requested variance must not adversely affect the health, safety and welfare of the public. Some examples would be:

- Creation of unsafe traffic conditions; (i.e. blocking sight);
- Encroachment on future right-of-way;
- Increasing the risk of fire spread or flooding.

The applicants state that the setback for the garage matches that of the house which was allowed to encroach upon the front yard setback when it was originally constructed. The applicants also state that the structure will be a metal garage intended for private use only and will be surrounded by a 6 ft. privacy fence that currently surrounds the property.

Staff would agree that the impact of a new detached garage would be localized and should not block sunlight or air or increase the risk of fire spread to neighboring properties. However, front yard carports, garages and fences do have the potential to obstruct visibility for vehicles backing out of driveways. Whether the proposed structure is a garage or a carport, the existing fence will need to be modified to provide sufficient visual clearance for the driveway. That is especially true here with an existing 6 ft. solid fence on the property line. The house currently sits back 13 ft. from Harsh Avenue and the garage would match that setback from Harsh.

5. Conformity with General Spirit and Intent of the Zoning Ordinance

The variance must conform to the general spirit and intent of the Zoning Ordinance.

A variance should not be granted which would undermine or defeat the purpose for which a regulation was adopted.

The intent of the front yard setback is to prevent structures from being built too close to streets and to provide a buffer and safety zone. Front yard building setbacks increase sight distances for pedestrians and drivers and prevent the overcrowding of lots in residential neighborhoods.

Section 42-82 Corner Lots In Residential Districts (a) (2). states that *“all detached garage, attached garages and carports facing the street on the non-address side of a dwelling shall be set back at least twenty (20) feet from the property line.”* This means that garages should maintain a minimum 20 ft. setback from the property line when adjacent to a street. The 20 ft. setback allows adequate space for vehicles to pull off the street and park without extending into the right-of-way and impeding the view of vehicular traffic or pedestrians.

The applicants state that their residence is located in the old part of town and that the homes in the area were built in the early 1940's and 1950's. The applicants believe that there should be some old grandfathering clauses in effect that would not affect any other part of town.

Staff would agree that this is an older part of town where most of the homes that were constructed are nonconforming in some way. However, any grandfathering would only apply to existing structures and not new construction. All new construction is required to meet the current zoning regulations.

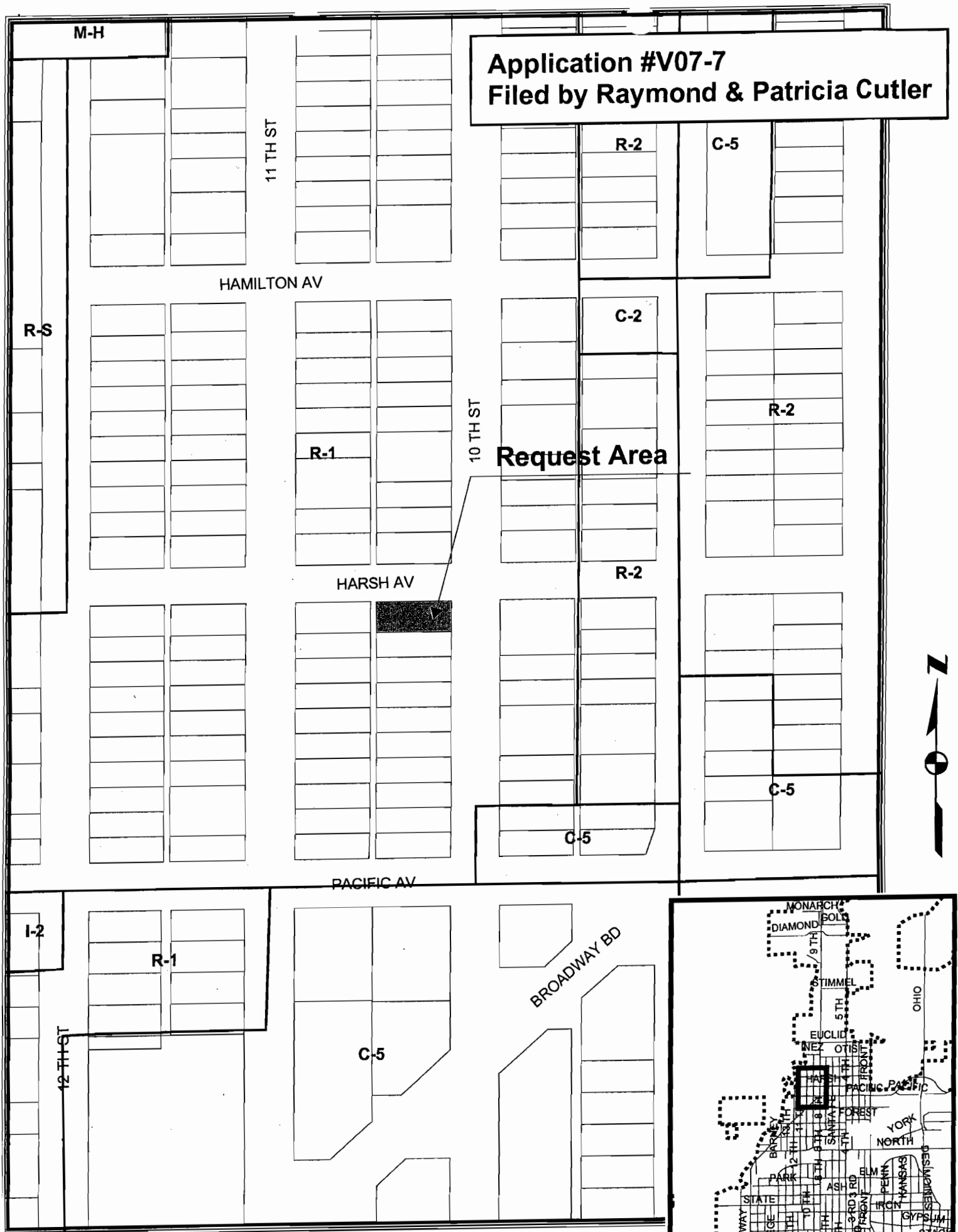
Alternatives

1. The Board could approve the setback variance as requested, with or without any conditions, if the required findings-of-facts can be made.
2. The Board could postpone action on this application with the consent of the applicant, if additional information is required.
3. The Board could deny the applicants' request, if the required findings-of-fact can not be made.

Staff Recommendation

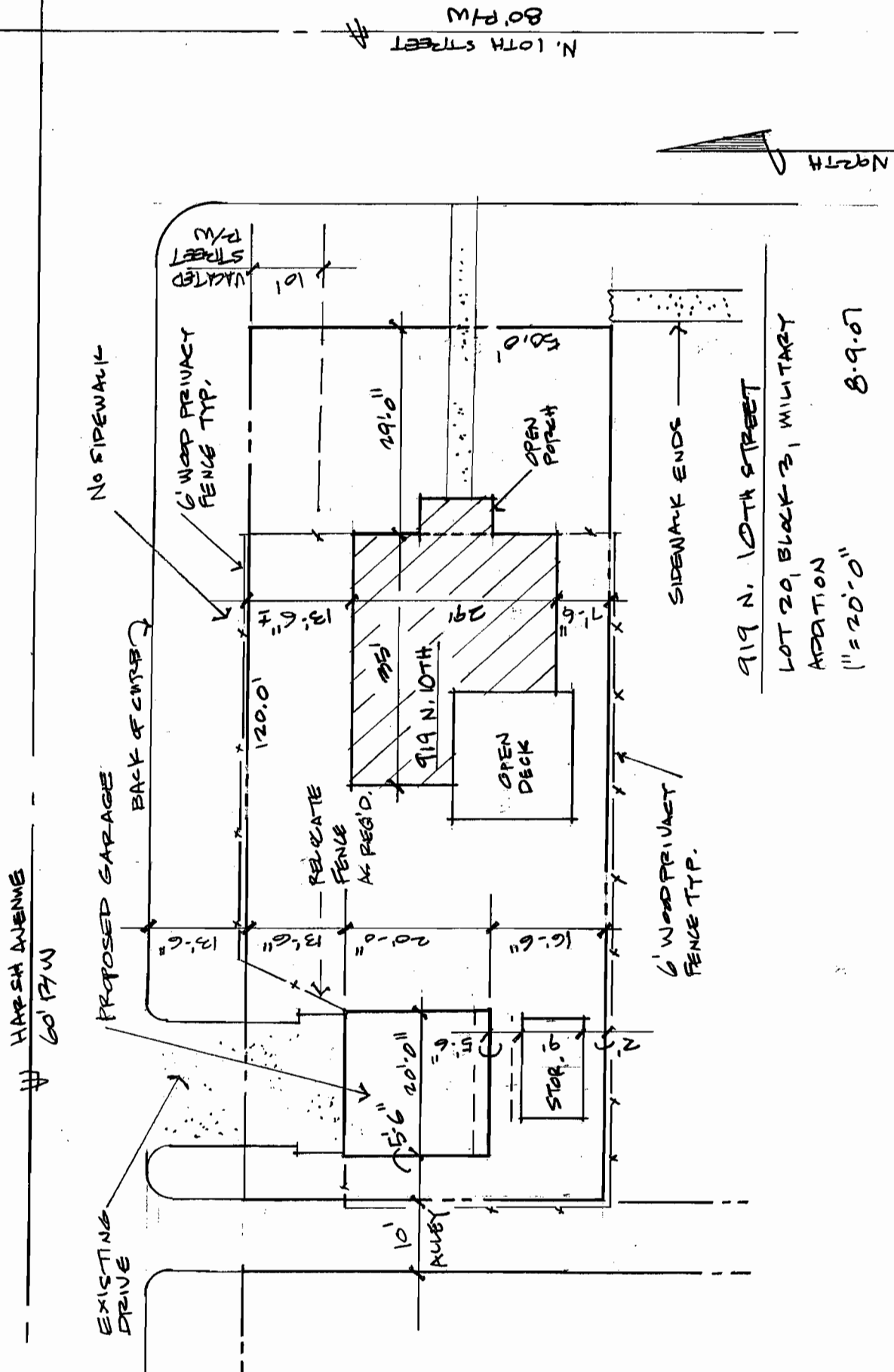
The applicants have worked with staff to develop a workable plan for the proposed garage and existing fence that addresses most of staff's concern about visibility where their driveway enters Harsh Avenue. Therefore, staff would recommend approval of the requested front yard setback variance subject to the following conditions:

1. The new garage shall not exceed 20 ft. x 20 ft. in size.
2. Construction must substantially correspond to the plans and building elevations submitted to the Board.
3. The proposed detached garage shall be compatible in design, material and color with the house on the property.
4. The garage building shall be used only for personal storage and not for any business purpose.



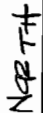
1 Inch = 200 Feet

Application #V07-7
 Raymond & Patricia Cutler
 Proposed Site Plan



919 N. 10TH STREET
 LOT 20, BLOCK 3, MILITARY
 ADDITION
 11" = 20'-0"
 8.9.07

BACK OF CURB)

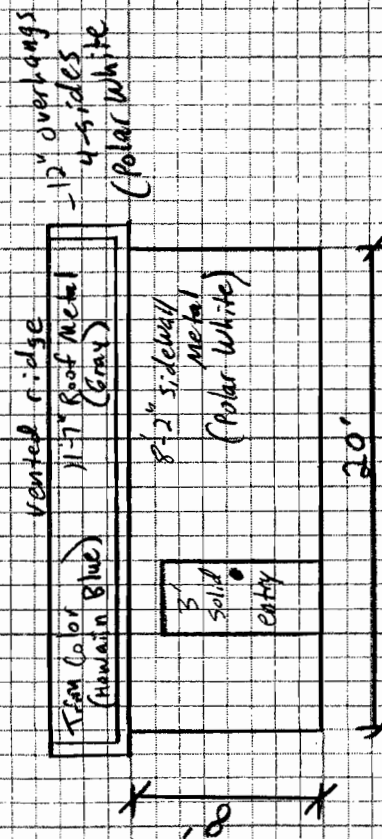
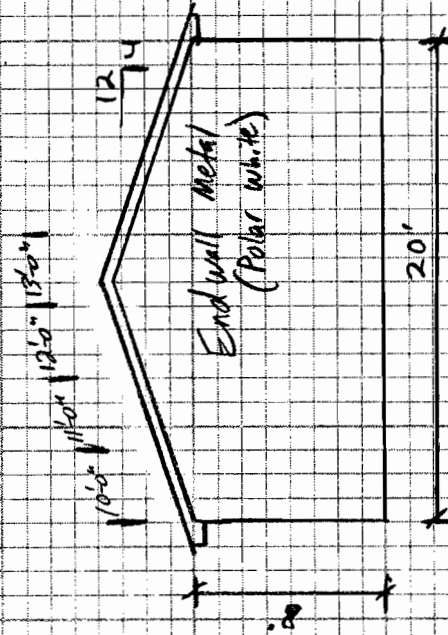
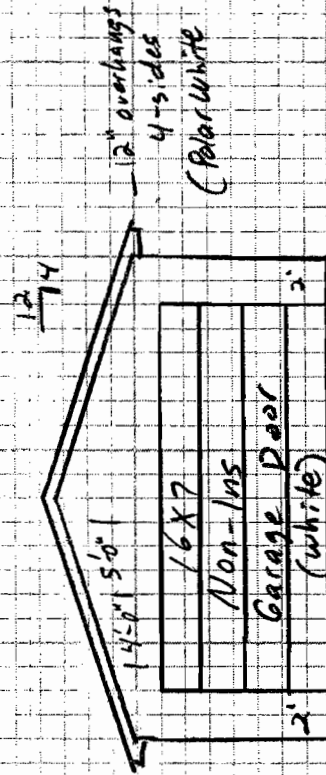
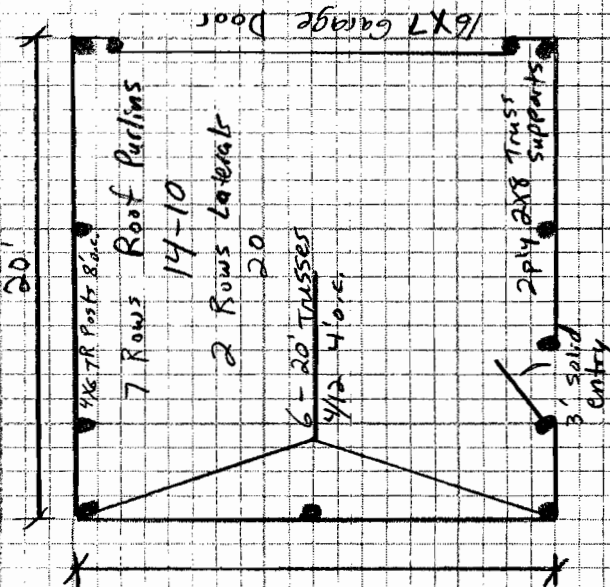


919 N. 10TH STREET

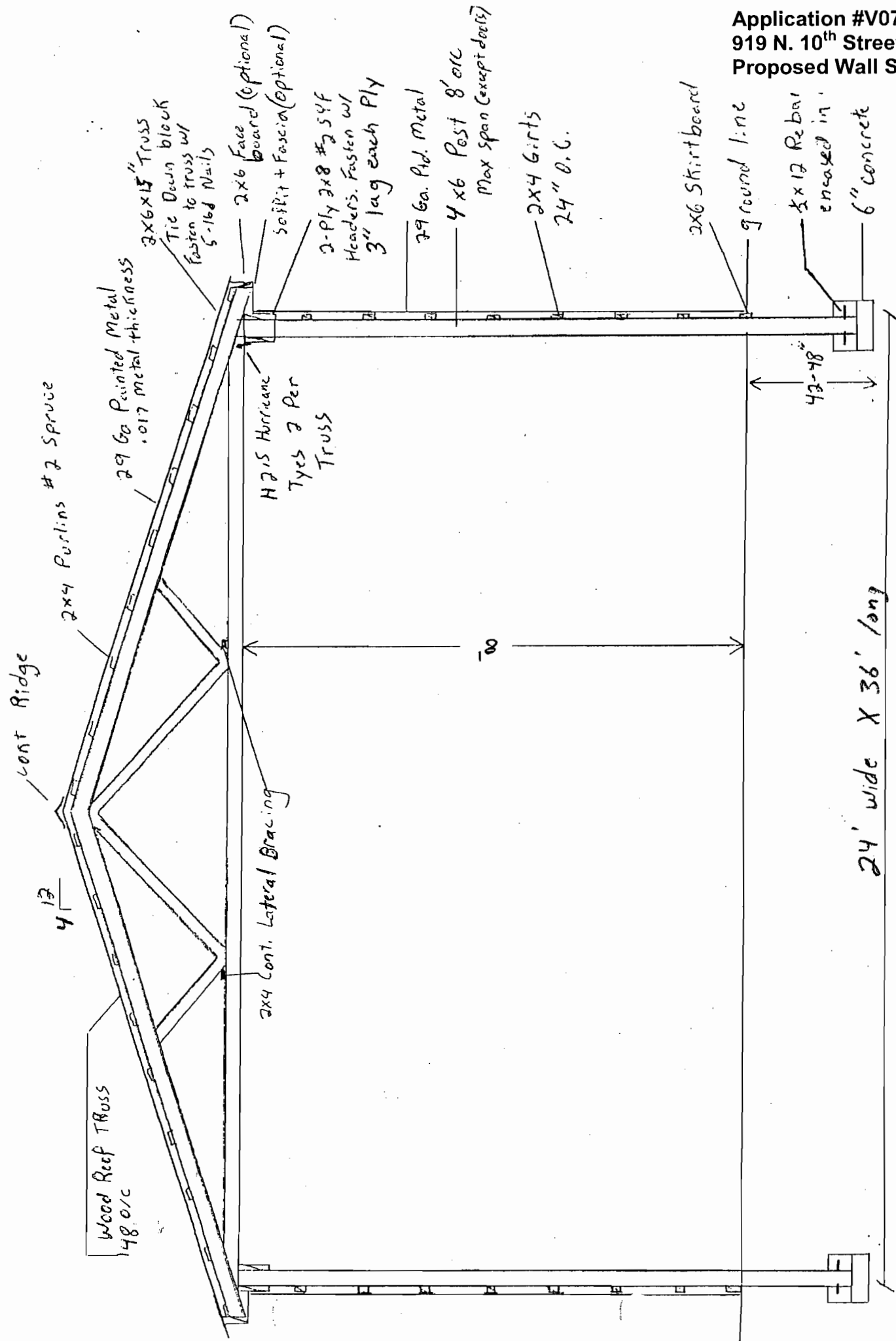
$$I^H = I^{O'} - O^H$$

Raymond Cutler
 919 N 10th St
 Salina, KS 67401


Application #V07-7
 919 N. 10th Street
 Proposed Garage Elevations



Application #V07-7
919 N. 10th Street
Proposed Wall Section



Typical Wall Section #2
NO SCALE

	Publication Date	August 30, 2007	Application No.	#V07-8
	Hearing Date	September 20, 2007	Date Filed	August 13, 2007
	Vicinity Map	KG	Filing Fee	\$110.00
	Ownership List	KG	Receipt No.	94882 9/13/07 CW

APPLICATION FOR VARIANCE OR APPEAL

- Applicant's Name Bradley Umscheid
- Applicant's Address 2073 Marc Street
- Telephone (daytime) 820-8592 E-mail _____
- Owner's Name Bradley Umscheid
- Owner's Address 2073 Marc Street
- Legal Description of affected property (attach additional sheet if necessary) Lot 22, Block 2, Shalimar Plaza Addition
- Approximate Street Address 2073 Marc Street
- Present Zoning R (Single-Family Residential) Use Single-Family Residential
- Proposed Use Personal workshop
- Are there any covenants of record which prohibit the proposed development? YES ☐ (attach copy) NO ☒
- Nature of variance requested (for variance only): A front yard setback variance of 5 ft. from 20 ft. (the minimum setback for a detached garage/workshop facing the non-address side of a corner lot) to 15 ft. to allow the replacement of an existing detached garage/workshop with a new detached garage/workshop that matches the existing setback of the house on the lot.
- Nature of appeal requested (for appeal only) NA
- Justification for requested variance or appeal: The requested 15 ft. setback would match the existing conditions on this lot. Compliance with required 20 ft. setback would displace a mature tree on the lot that we want to maintain.
- List exhibits or plans submitted, including site plan Site Plan, Construction Specifications
- Present information in support of each of the (5) five conditions listed in Item No. 15, Page 2 of this application.**
(See guide for completing Variance Applications for helpful definitions of terms)

I hereby certify that if this variance application is approved, I will complete construction in accordance with plans submitted and approved by the Board of Zoning Appeals and I agree to abide by all restrictions, conditions, and requirements lawfully binding upon me in this regard.

Applicant(s)
Signature [Signature]
Date: 9-12-07

Owner(s)
Signature [Signature]
Date: 9-12-07

If the applicant is to be represented by legal counsel or an authorized agent, please complete the following in order that correspondence and communications pertaining to this application may be forwarded to the authorized individual.

Name of representative: _____
Complete Mailing Address, including zip code _____
Telephone (Business): _____ E-mail address: _____

15. (Cont.)

A request for a variance may be granted only upon a finding by the Board of Zoning Appeals that all of the following 5 (five) conditions have been met. Present information on this form in support of each of the following criteria (Attach separate sheets if necessary):

- a. The variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone and is not created by actions(s) of the property owner or applicant because:

This lot is unique because it is a corner lot that is back to back with another corner lot that has a house and detached garage that have a 15 ft. setback from Pentwood Drive. If the new detached workshop is set back the required 20 ft. from the south property line, it would require the removal of an attractive mature tree in the middle of the lot that we wish to retain.

- b. Granting the variance will not adversely affect the rights of adjacent property owners or residents because:

The proposed workshop will match the setback of the main house so it will not interfere with visibility at the intersection of Marc and Pentwood. The garage will be 25 feet from the nearest neighboring structure, so it will not block the flow of air, sunlight or increase the risk of fire spread. A gutter downspout system will direct any roof runoff away from neighboring structures. The garage will be wood framed with clapboard siding and asphalt shingle roof that will be attractive and match the house in appearance.

- c. Strict application of provisions of the zoning ordinance of which the variance is requested, will constitute unnecessary hardship upon the property owner because:

The existing detached workshop building does not have sufficient space for all of the home workshop equipment that I own. Without a setback variance, we would also have to remove an existing shade tree at the center of the lot which would not be desirable to us.

- d. The variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare because:

The proposed building will match the existing setback of the house. A single-wide driveway exists at this location that will not be enlarged. No sidewalk exists along the south of the property. The building will be used as a personal workshop, so no vehicles will be parked in the driveway between the workshop and the street that may block sight lines.

- e. Granting the variance will not be opposed to the general spirit and intent of the zoning ordinance because:

The proposed new workshop will match the front yard setback of the existing structure. It will not exceed the maximum size allowed for a detached garage or workshop structure on this lot.

The new building would be a personal workshop and will not be used to service automobiles or vehicles that I do not own.

STAFF REPORT
SALINA BOARD OF ZONING APPEALS

Case #V07-8

Hearing Date: September 20, 2007

Item

Application #V07-8, filed by Bradley Umscheid, requesting a front yard setback variance of 5 ft. from 20 ft. (the minimum setback for a detached garage/workshop facing the non-address side of a corner lot) to 15 ft. to allow the replacement of an existing detached garage/workshop with a new detached garage/workshop that matches the existing setback of the house on the lot. The subject property is legally described as Lot 27, Block 2 in the Shalimar Plaza Addition to the City of Salina, Saline County, Kansas and is addressed as 2073 Marc Street.

Background

The subject property is a corner lot located at the NE corner of the intersection of Marc Street and Pentwood Drive. The house on the lot was built in 1963. The lot is 70 feet in width and is 125 feet in depth, containing 8,750 sq. ft. The house on the property is oriented westward toward Marc Street. The house has an attached one-car garage with a double-width driveway accessing Marc Street.

In 1986, a building permit was issued to construct a detached garage with a breezeway that attached the garage to the house. Since the garage was attached by the breezeway to the house, it was allowed to match the existing 15 ft. front yard setback of the house along Pentwood Drive. At some point in the past the breezeway between the house and garage was removed and the garage is now detached and approximately 5 ft. separates the two structures. The existing detached garage has one overhead door and a single width driveway and approach off of Pentwood Drive. A 4 ft. chain link fence encloses the backyard of the house and the existing garage.

In August of 2007, the applicants discussed their plans with city staff for removing the existing detached garage and constructing a new 32 ft. by 24 ft. garage/workshop that would match the existing setback of the existing garage. In reviewing the application, the building inspector determined that the proposed building setback did not meet the minimum front yard setback requirement for an accessory garage on a corner lot. As a result, the building inspector advised the applicants that a permit could not be issued because the Salina Zoning Ordinance requires a 20 ft. front yard setback for new garages facing the non-address side of a corner lot.

The applicant was then informed that he had the option of increasing the front yard setback for the new detached garage to 20 ft. in order to comply with the zoning regulations or to apply for a variance from the Board of Zoning Appeals in order to construct a garage with a front yard setback of less than 20 ft. The owner of the property filed this variance application on August 13, 2007.

Nature of Applicant's Request

The applicant has applied for a front yard setback variance stating that increasing the setback for the proposed new garage/workshop would require the removal of a large mature tree on the lot that he wishes to maintain. The applicant requests a variance to allow the new detached garage/workshop to match the front yard setback of the house and the existing detached garage on the property. The new detached garage would have a single overhead door. The existing single width driveway and approach will be retained.

Zoning Ordinance Requirements

Section 42-58(1)(c) is the section of the Salina Zoning Ordinance that regulates the size and compatibility of detached garages and carports in residential zoning districts in connection with any principal use, which is permitted.

- (a) “detached garage or carport, provided that no such structure that is an accessory to one or two family dwelling shall exceed seven hundred seventy (770) square feet, shall be no taller than the dwelling and shall be compatible with the residential dwelling in terms of design, appearance and materials.”

Section 42-82(a)(2) is the section of the Salina Zoning Ordinance that regulates the required setback for detached garages facing a non-address street. It reads as follows:

- (a) On any corner lot in the R, R-1, R-2, R-2.5, R-3 and MH-S districts a single-family or two-family dwelling shall be required to maintain a front yard setback adjacent to only (1) street. The front yard setback shall be required adjacent to the street abutting the principal entrance which shall be identified as the official address assigned to the property. For the non-address side of a corner lot, the following setback requirements shall apply:

- (1) When the non-address side of a dwelling is on a residential or collector street, the required front yard setback may be reduced to fifteen (15) feet if the lot is back to back with another corner lot and to twenty (20) feet in every other case.

- (2) All detached garages, attached garages and carports facing the street on the non-address side of a dwelling shall be set back at least twenty (20) feet from the property line.**

Surrounding Zoning / Land Use

	<u>Zoning</u>	<u>Land Use</u>
Site	R-1	Single-Family Dwelling

North	R-1	Single-Family Dwellings
East	R-1	Single-Family Dwellings
West	R-1	Single-Family Dwellings
South	R-2	Duplex and Apartment building

Information / Analysis

1. Uniqueness – A Condition Unique to the Property

The need for a variance must be caused by a condition, which is unique to the property in question and not shared by other properties in the area. Some examples would be:

- undersized lots;
- uniquely shaped lots – pie shaped lots, 2 or more front yards;
- unusual slopes or topography;
- need to protect existing improvements or trees;
- easements or unusually large street rights-of-way.

The need for a variance to a front yard setback requirement must be caused by unique characteristics that relate specifically to the applicants' property, are not shared by other property owners in the area and were not created by the actions of the property owner themselves.

The applicant states that his property is unique because his lot is back to back with another corner lot, 2072 Lewis Street, where the house and a detached garage also have a 15 ft. setback from Pentwood Drive. He also states that setting back the proposed new garage the required 20 feet would cause the removal of a healthy mature tree in his backyard that he wishes to preserve.

Staff would agree that the subject property and 2072 Lewis Street are back to back lots that have similar front yard setbacks. Both the house and the detached garage at 2072 Lewis Street were built with a 15 ft. setback from Pentwood Drive. Section 42-82 (a)(1) of the Zoning Ordinance allows the front yard setback of a dwelling to be reduced to 15 ft. on the non-address side of a corner lot if it is back to back with another corner lot. While this applies to the principal residential structure on the lot it does not apply to detached accessory garages or carports which must maintain a 20 ft. setback.

The location and setback of similar accessory structures in the neighborhood can be a factor the Board may take into account but does not in and of itself justify a variance.

2. No Adverse Effect on Neighbors

The variance must not cause any adverse effect on neighboring properties. Some examples of adverse effects would be:

- Restricting the flow of air or blocking light;
- Causing increased drainage or runoff problems for neighbors;
- Detracting from the appearance of the neighborhood (i.e. creating an eyesore)
- Reducing the property values of neighbors;
- Increasing the risk of fire spread.

The applicant states that the proposed garage/workshop will be set back the same distance from Pentwood Drive as the house and that the structure would not interfere with visibility of vehicular traffic or pedestrians. The proposed garage/workshop will be separated by 25 feet from the nearest neighboring structure, so it would not restrict the flow of air, block sunlight or increase the risk of fire spread to neighboring properties. The proposed new garage construction will be wood framed with clapboard siding and an asphalt shingle roof, which will match the appearance of materials on the house. A gutter and downspout system will be installed to direct runoff away from the structure and neighboring properties. The garage will have either a 9 ft. or 10 ft. eave height. The garage/workshop should not dominate or detract from the appearance of the property or neighborhood.

Staff would agree that the structure, as it is proposed, would be compatible in appearance with the materials of the house on the property. It would appear that any effects due to the increase in size of the footprint of the new garage would appear to be localized. The applicant should verify whether a 9 or 10 ft. eave height is planned because the roof of the proposed garage/workshop cannot exceed the height of the dwelling on the lot. One mature tree that is east of the existing garage would have to be removed. The front facade of the proposed garage/workshop would face duplex rental properties that are opposite Pentwood Drive to the south.

3. Unnecessary Hardship

The applicant must show that not granting the variance will cause an unnecessary hardship by denying reasonable or beneficial use of the property.

This requires more than a showing of personal inconvenience or increased cost.

The applicant states that the existing garage/workshop does not contain sufficient space for all of his home workshop equipment and without a setback variance, an existing mature shade tree will have to be removed at the center of the lot.

Staff would agree that in order for the garage/workshop to meet the 20 ft. setback requirement the applicant would have to remove an existing mature shade tree or reconfigure the layout of the garage/workshop on the site. While staff would agree that removing the mature shade tree would be undesirable for the

applicant, staff would point out that increased cost and personal inconvenience does not demonstrate that the applicant is being denied reasonable or beneficial use of the entire property.

4. Effect on Public Health, Safety and Welfare

The requested variance must not adversely affect the health, safety and welfare of the public. Some examples would be:

- Creation of unsafe traffic conditions; (i.e. blocking sight);
- Encroachment on future right-of-way;
- Increasing the risk of fire spread or flooding.

The applicant states that the proposed setback for the garage/workshop will match that of the house. The existing driveway and approach would not be modified and no vehicles would be parked in the driveway between the garage/workshop and the street that would encroach upon the street right-of-way or block sight lines along Pentwood Drive. Furthermore, no sidewalk exists along the north side of Pentwood Drive that may be impeded.

Staff would agree that the impact of the detached garage/workshop would be localized and should not block sunlight or air or increase the risk of fire spread to neighboring properties.

Front yard building setbacks insure that the dwelling units, garages and carports are not placed too close to the street and insure that there is adequate visibility for vehicles backing out of a driveway and into the street. Under Salina's zoning Ordinance an off-street parking space must be at least 19 ft. in length. A 20 ft. setback becomes more critical when parking spaces are located between a garage and the street. Based upon the site plan, there will not be adequate space between the garage/workshop and the front property line so that vehicles do not overhang the sidewalk and right-of-way and potentially obstruct visibility on Pentwood Drive. While the applicant states that the new accessory building will be used as a workshop and not to service vehicles, there would be no guarantee that a future owner of the property would not park vehicles between the garage/workshop and the street where there is insufficient setback.

5. Conformity with General Spirit and Intent of the Zoning Ordinance

The variance must conform to the general spirit and intent of the Zoning Ordinance.

A variance should not be granted which would undermine or defeat the purpose for which a regulation was adopted.

The intent of the front yard setback is to prevent structures from being built too close to streets and to provide a buffer and safety zone. Front yard building

setbacks increase sight distances for pedestrians and drivers and prevent the overcrowding of lots in residential neighborhoods.

Section 42-82 Corner Lots In Residential Districts (a) (2). states that *“all detached garage, attached garages and carports facing the street on the non-address side of a dwelling shall be set back at least twenty (20) feet from the property line.”* This means that garages should maintain a minimum 20 ft. setback from the property line when adjacent to a street. The 20 ft. setback allows adequate space for vehicles to pull off the street and park without extending into the right-of-way and impeding the view of vehicular traffic or pedestrians using the sidewalk.

The applicant states that the new accessory building will be used primarily as a personal workshop and would not be intended to house, service or maintain vehicles. The applicant plans to have one overhead door constructed for the workshop. The existing driveway and approach from Pentwood Drive will be retained.

Staff would note that if an overhead door is planned for the workshop, as well as reusing an existing driveway and approach, then the potential uses for the accessory building will include a garage. Although the current owner states that he will not park vehicles in front of the structure there would be no way to condition that a future owner couldn't use the driveway for parking vehicles.

Alternatives

1. The Board could approve the setback variance as requested, with or without any conditions, if the required findings-of-facts can be made.
2. The Board could postpone action on this application with the consent of the applicant, if additional information is required.
3. The Board could deny the applicants' request, if the required findings-of-fact can not be made.

Staff Recommendation

Staff would request that the applicant clarify whether the proposed garage/workshop will have either a 9 ft. or 10 ft. eave height and how tall the peak of the garage/workshop will be above grade so that it can be determined whether the height of the accessory structure will not exceed the roof of the house on the property.

If the applicant provides the requested information and if the Board is comfortable with approving the proposed garage/workshop structure in the proposed location, staff would recommend the following conditions be applied to the Board's approval of the application:

1. The new garage shall not exceed 24 ft. x 32 ft. in size.
2. The height of the proposed garage/workshop shall not exceed the height of the dwelling on the property.
3. Construction must substantially correspond to the plans and building materials submitted to the Board.
4. The proposed detached garage shall be compatible in design, material and color with the house on the property
5. The garage shall be used only for a personal workshop and personal storage and not for any business purpose.
6. No vehicles shall be parked on the Pentwood driveway and approach except for the temporary loading or unloading of the vehicle.

**Application #V07-8
Filed by Bradley C. Umscheid**

ALBERT AV

LESLIE AV

R

~~ROACH ST~~

R-1

MARC ST

Request Area

BUCKEYE AV

C-3

R-2

SHALIMAR DR

~~PENTWOOD DR~~

R-2

R-3

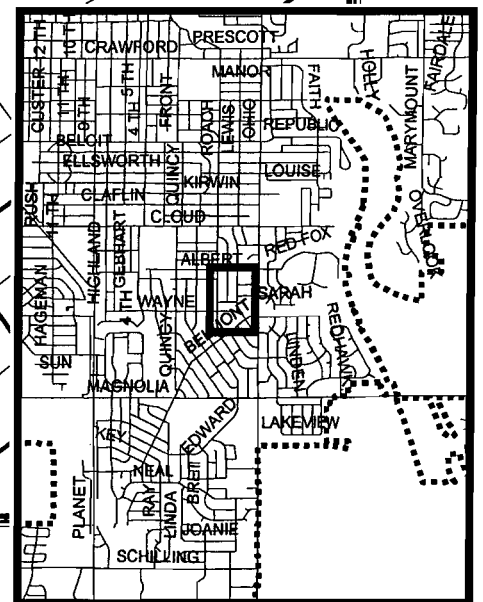
LEWIS ST

WAYNE AV

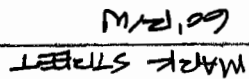
R-1

LE R-2

1 Inch = 200 Feet



LOT 21, BLOCK 2, SHALIMAR PLAZA ADD.
11" = 20'-0"





Star Lumber & Supply Co., Inc. Quotation Package

Construction
Maestro
Post Frame & Garage
Estimating Software Version 3.0

QUOTATION FOR:

Mid-Kansas Underground Garage
Crawford
Salina, KS 67401
826-5527

STORE LOCATION:

Paul Kimminau
1210 W. Crawford
Salina, KS 67401
(785) 827-3618

QUOTATION DATE: 7/24/2007

ESTIMATE NUMBER: 456

CONSTRUCTION: Stud Frame

DIMENSIONS: 24' x 32'
24' X 9' 1 1/8"

WALLS:

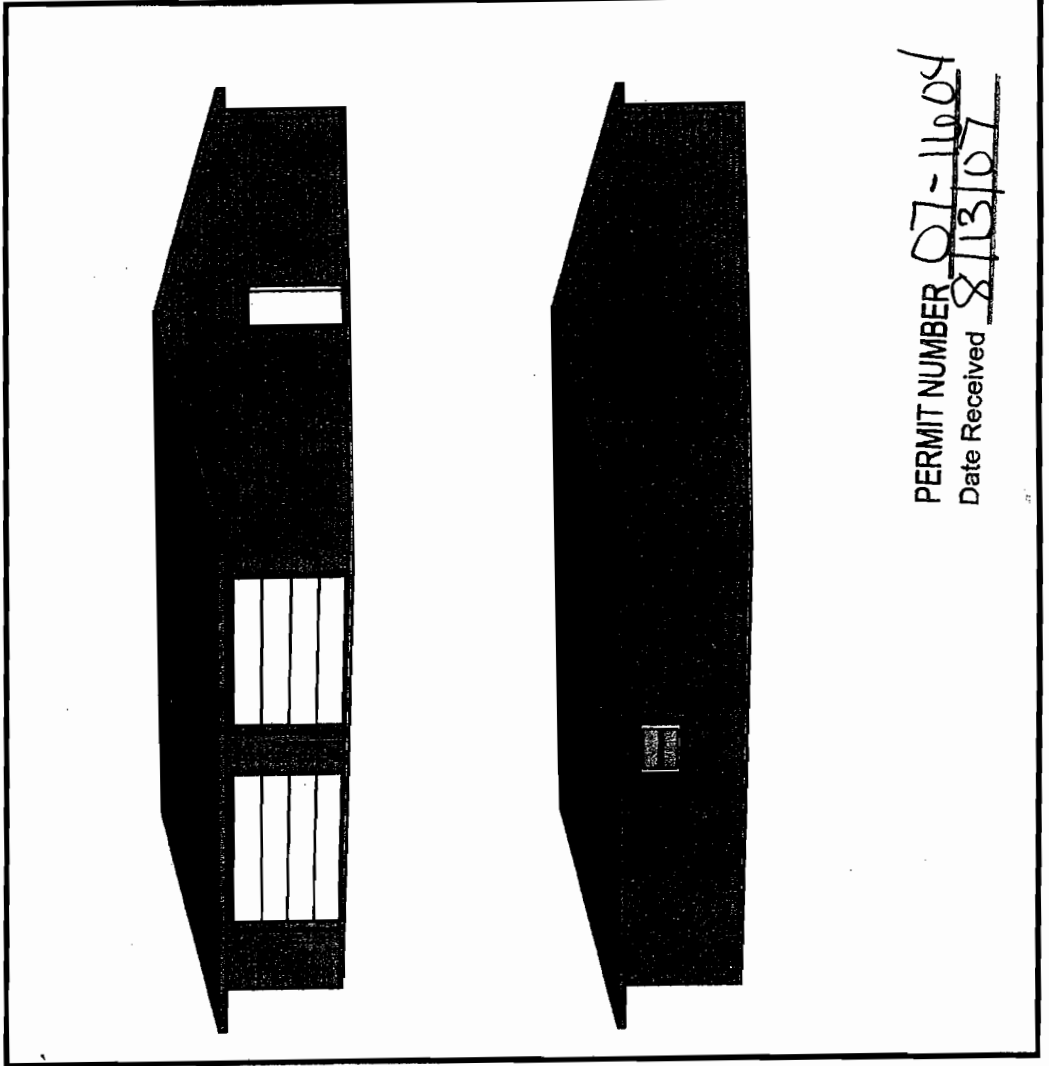
3/8 Ciap Board Lp Smartlap

ROOF:

Owens Corning Sierra Gray Delivered Oakridge Pro 3
4/12 Pitch
16" Gable Overhang
16" Eave Overhang

OPENINGS:

1-10 X 8 O.H. White Insulated Ins. Std. Trk.
1-6 Panel 1210 Prehung Single-Bore
1-Double Hung White Vinyl Single-Hung 1-Lite



Subtotal	\$ 6,491.28
Tax	\$ 457.64
TOTAL	\$ 6,948.92

PERMIT NUMBER 07-11604
Date Received 8/13/07

2073 Marc

Prices are good for 30 days from quotation date



MASTER MATERIALS LIST



QUANTITY	SKU	DESCRIPTION
<u>BOTTOM PLATE</u>		
2	2410ACQ-0	2 x 4 Treated Southern Yellow Pine 10 Ft.
1	2414ACQ-0	2 x 4 Treated Southern Yellow Pine 14 Ft.
5	2416ACQ-0	2 x 4 Treated Southern Yellow Pine 16 Ft.
<u>STUDS</u>		
4	24PC-0	2 x 4 Spf Framing W/Premium Precuts 92 5/8 In.
6	248SPF-1	2 x 4 Spf Framing W/Premium Precuts 8 Ft.
79	249PC-0	2 x 4 Spf Framing W/Premium Precuts 8.72 Ft.
<u>TOP PLATE</u>		
4	2410SPF-1	2 x 4 Spf Framing W/Premium Precuts 10 Ft.
4	2414SPF-1	2 x 4 Spf Framing W/Premium Precuts 14 Ft.
8	2416SPF-1	2 x 4 Spf Framing W/Premium Precuts 16 Ft.
<u>TRUSS</u>		
16	roof-33	Note: 15 in. Tail, 16 in. Overhang, 24 in. O.C., Standard Heel Perfection Structural 25' 4/12 Pitch 25-8-0-7
<u>TRUSS SEAT</u>		
2	2414SPF-1	2 x 4 Spf Framing W/Premium Precuts 14 Ft.
2	2416SPF-1	2 x 4 Spf Framing W/Premium Precuts 16 Ft.
<u>LOOKOUT FRAMING</u>		
6	No Facia Stock	1 x 6 No Facia Stock For Smartstart Or 2X 8 Ft.
<u>FACIA STOCK</u>		
17	No Facia Stock	1 x 6 No Facia Stock For Smartstart Or 2X 8 Ft.
<u>FINISHED FACIA</u>		
10	446SS-0	1 x 6 Lp Smartstart 16 Ft.
<u>DOOR HEADER</u>		
1	2108HF-1	2 x 10 Spf Framing W/Premium Precuts 8 Ft.

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MASTER MATERIALS LIST



QUANTITY	SKU	DESCRIPTION
1	288HF-1	2 x 8 Spf Framing W/Premium Precuts 8 Ft.
2	117812TS	3.5 x 11.625 Timberstrand 12 Ft.
WOOD FOR DOOR CASING, WINDOWS & CORNER TRIM		
6	544SS-0	1.25 x 4 Lp Smartstart 16 Ft.
8	546SS-0	1.25 x 6 Lp Smartstart 16 Ft.
WALL LAYER 1		
32 pcs	716OSB-0	7/16 - 4 x 8 O.S.B. Premium Oriented Strand Board
WALL LAYER 2		
107	8LPSL-1	3/8 Clap Board Lp Smartlap 3/8 in x 7 in x 16 ft
ROOF LAYER 1		
38 pcs	716OSB-0	7/16 - 4 x 8 O.S.B. Premium Oriented Strand Board
ROOF LAYER 2		
5 rolls	30F	#30 Tarco Brand Felt
ROOF LAYER 3		
30 bdls	SO48-6	Owens Corning Oakridge Pro 30 Sierra Gray Delivered
0 bdl	N/A	Owens Corning Black Starter Shingle Not Found In Product Setup
1 bdl	130960	Owens Corning Supreme Estate Gray (Roof Cap)
PLY CLIPS		
152 pcs	716PC	Steel Ply-Clips (Sold by: Piece)
STEEL DRIP EDGE		
13 pcs	23RE	Galvanized 10 ft 0 in Drip Edge, Star Stock Galvanized
ROOF VENTS		
5 pcs	507BRZ	Brown 507 Roof Vent Bronze Pan Vents
FACIA & SOFFIT MATERIALS		
3 pcs	38SS	Smart Soffit Panel Text No Groove 3/8 in x 48 in x 8 ft for the eave sides

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QUANTITY	SKU	DESCRIPTION
3 pcs	38SS	Smart Soffit Panel Text No Groove 3/8 in x 48 in x 8 ft for the gable ends
4 pcs	201380	Mill 8 in 16 in Individual Undereave Vent for Eave Sides
4 pcs	2416SPF-1	2 x 4 x 16 Soffit Nailer Material For Eave Sides
4 pcs	201380	Mill 8 in 16 in Individual Undereave Vent for Gable Ends
4 pcs	2416SPF-1	2 x 4 x 16 Soffit Nailer Material For Gable Ends
OVERHEAD DOORS		
2	SOCHENEY-7	10 X 8 Installed White Insulated 10' 0" x 8' 0"
SERVICE DOORS		
1	261210-0	1210 Prehung Single-Bore
1 pc	307270	Kwikset Cp Tylo Us-3 Entry Knob - Brass
1 pc	SSHIM	Pine Shim - 14 Pcs
WINDOWS		
1	W36361VSH	White Vinyl Single-Hung 1-Lite
SLOTTED STEEL ANGLE		
3 pcs	67810	3 Ft Slotted Steel Angle 3' 0"
WEATHERSTRIPPING		
4	402070	White Overhead Door Weatherstrip 16 ft
HURRICANE CLIPS		
28 pcs	H25	H2.5A Hurricane Ty-Down
FASTENERS, SERVICE DOOR CASING		
1 box	110GC	#10 Galvanized Casing Nail 1 Lb. Box
FASTENERS, STUDS, TRUSS, TRUSS BRACING		
4 box	516SB	#16 Smooth Box Nail 5 Lb. Box
FASTENERS, WALL LAYER 2 WOOD SIDING, WOOD TRIM, WOOD SOFFIT, WEATHERSTRIPPING		
2 box	56GB	White #6 Galv Box Nails 5 Lb. Box



MASTER MATERIALS LIST

Construction
Maestro
Priced From & Quotes
Estimating Software Version 3.0

QUANTITY	SKU	DESCRIPTION
<u>FASTENERS, FINISHED WOOD FACIA</u>		
2 box	17GB	#7 Galv Box Nails 1 Lb. Box
<u>FASTENERS, WALL LAYER 1 PLYWOOD OR OSB, ROOF LAYER 1 PLYWOOD OR OSB</u>		
4 box	58SB-0	#8 Smooth Box Nail 5 Lb. Box
<u>FASTENERS, ROOF LAYER 3 SHINGLES</u>		
1 box	50114RN	1 1/4 Galvanized Roofing Nails 50 Lb. Box
<u>FASTENERS, ROOF LAYER 2 FELT</u>		
10	11CAP	1" Plastic Head Cap Nails 1 Lb. Box
<u>FASTENERS, FASTENERS FOR HURRICANE CLIP</u>		
3 pkg	4295	Strong Drive Screws
<u>MISCELLANEOUS ITEMS</u>		
6	130309	10Oz Big Stretch White
4	MDC-1	1 1/4 Metal Drip Cap (Brickmould)
20	128FB	1/2 X 8 Foundation Bolt
30	249PC-1	Extra 2X4 104 5/8 Precut Studs
2	2416ACQ-1	Extra 2X4X16 Treated
SUBTOTAL:		
TAX:		
GRAND TOTAL:		

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STAFF REPORT
SALINA BOARD OF ZONING APPEALS

Meeting Date: September 20, 2007

Item

Election of officers for 2007-2008.

Information

The Board's September meeting is generally the Annual Meeting of the Board of Zoning Appeals and the time for selection of new officers.

This involves the election of a Board Chairman and Vice-Chairman for the coming year. Don Schmitt served as Chairman last year and was reappointed to another term on the Board in August. He is eligible for another term. All other current members would be eligible for the Chairman position. Dick Worth has served one year as Vice-Chairman. All current members, including Mr. Schmitt and Mr. Worth, would be eligible for the position of Vice-Chairman. Les Appleby was appointed by the Planning Commission to serve as their representative on the Board for the coming year. There are currently no vacant positions on the Board.

Recommended Action

Elect a Chairman and Vice-Chairman.